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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,561	02/19/2004	Alan Mendelson	6978-01-1	5136

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EXAMINER	
LOUIE, WAE LENNY	
ART UNIT	PAPER NUMBER
3661	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/782,561	MENDELSON ET AL.	
	Examiner	Art Unit	
	Wae Lenny Louie	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/09/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "the chunk of data" in the fifth paragraph. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mittelsteadt et al (6,556,905) in view of Camhi et al (5,430,432).

Regarding applicant claim 1, Mittelsteadt et al disclose a monitoring and recording system for a subject vehicle comprising a plurality of sensors including a sensor that detects braking events that may indicate driver is operating a vehicle in an unsafe manner however Mittelsteadt is silent on a distance sensor. Camhi et al also skilled in vehicle monitoring and recording system disclose a system that utilizes ultrasonic sensors in conjunction with speed sensors to monitor tailgating and other unsafe driving behaviors (column 7, lines 1-10).

It would have been obvious to one skilled in the art at the time of invention to include the distance sensors of Camhi et al with the system of Mittelsteadt et al to better monitor unsafe driving behaviors like tailgating.

Regarding applicant claim 2, Mittelsteadt et al disclose a monitoring and recording system further including a system clock that provides a time reference (column 3, lines 20-45 "recorded data is time stamped").

Regarding applicant claim 3, Mittelsteadt et al disclose a system wherein one sensor is a GPS sensor (column 5, lines 20-43, "GPS technology monitors the location of the vehicle").

Regarding applicant claim 4, Mittelsteadt et al disclose a system wherein one sensor is a speed sensor (column 3, lines 20-43, "speed sensor signal").

Regarding applicant claims 6 and 7, Mittelsteadt et al disclose a system further including a cryptographic co-processing unit (column 3, lines 52-63, "data can also be processed by a processor and recorded for subsequent access"; column 9, lines 27-34, "only accessible to those with the correct password... the data is also protected from modification or deletion")

Regarding applicant claim 8 and 9, Mittelsteadt et al disclose a system that further includes an external memory device that records on a computer readable medium (column 3, lines 52-column 4, lines 10 "can record processed data on various media, like a CD").

Regarding applicant claim 10 and 11, Mittelsteadt et al disclose a system that further includes an input device wherein the input device is a keyboard (column 4, lines 45-58,"using an interface such as a keypad").

Regarding applicant claim 12 and 13, Mittelsteadt et al disclose a system that further includes an output device wherein the output device is a monitor (column 2, lines 35-45, "the results are output to a display").

Regarding applicant claim 14, Mittelsteadt et al disclose a system further comprising a communication unit capable of transmitting data from the system to another computer system (column 4, lines 12-33, "using a modem to send recorded data to a target server").

Regarding applicant claim 15, Mittelsteadt et al disclose a system installed in said subject motor vehicle (column 9, lines 45-50, "installed in police cars").

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mittelsteadt as applied to claim 1 above, and further in view of Camhi et al.

Regarding applicant claim 16, Mittelsteadt et al disclose a method for monitoring and recording a motor vehicle comprising the steps of: activating a system when the motor vehicle is started (column 6, lines 16-25, "event trigger signal such as ignition"); capturing, digitizing, sending, storing information measured by a plurality of sensors (column 3 line 52-column 4 line 11); computing a hash value, encrypting the hash value, sending the value back to the CPU, and attaching the digital signature to the data (column 9, lines 27-34) but is silent concerning a distance sensor. Camhi et al also skilled in vehicle monitoring and recording system disclose a system that utilizes ultrasonic sensors in conjunction with speed sensors to monitor tailgating and other unsafe driving behaviors (column 7, lines 1-10).

It would have been obvious to one skilled in the art at the time of invention to include the distance sensors of Camhi et al with the method of Mittelsteadt et al to better monitor unsafe driving behaviors like tailgating.

Regarding applicant claim 17, Mittelsteadt et al teach the method further comprising a retrieval process wherein a user entering a correct password and an index of the data to retrieve; and verifying the correct password was entered and retrieve the desired information (column 9, lines 27-34).

Regarding applicant claim 18, Mittelsteadt et al disclose the method for monitoring and recording the parameters of a subject motor vehicle comprising a retrieval process including the steps of: a judicial or financial authority receiving information collected by the system in a computer readable form on a computer, the authority entering a correct password, retrieving a private or secret key that has been used to compute the digital signature, and retrieving the desired information and displaying the data on a monitor (column 5, lines 43-67, "a vehicle supervisor (VS) entering a password the verification of which permits the VS to select an option of how to handle the data"; column 10, lines 23-60, "VS enters a manufacturer programmed VS access code").

Regarding applicant claim 19, Mittelsteadt et al disclose the method further comprising a retrieval process including the steps of: a clerk or another authorized judicial or financial authority receiving the data from the vehicle in computer readable form on a computer (column 5, lines 43-67, "a vehicle supervisor (VS) entering a password the verification of which permits the VS to select an option of how to handle the data"); the clerk entering a correct

password; system retrieving a public key matching the secret key (column 10, lines 34-60 "manufacturer programmed VS access code"; entering a desired time period; retrieving information; computer displaying all discrepancies (column 7, lines 23-36, "alerts the VS of instances in which acceptable threshold parameters are being exceeded").

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mittelsteadt as applied to claim 1 above, and further in view of Jenkins et al (2001/0018628).

Regarding applicant claim 5, Mittelsteadt et al disclose a system with a plurality of sensors but is silent on a fuel consumption sensor. Jenkins et al teaches a monitoring and recording system that contains a plurality of sensors including one that monitors fuel consumption. ([0019] "vehicle parameters such as speed, RPM, fuel use and the like may be monitored and stored in memory for later downloading").

It would have been obvious to one skilled in the art at the time of invention to include any number of parameters including speed, RPM, and fuel use of Jenkins et al with the system of Mittelsteadt since most motor vehicles are already equipped with such sensors.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wae Lenny Louie whose telephone number is 571-272-5195. The examiner can normally be reached on M-F 0800-1630.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WLL